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3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 VICKY A. HOYT,

7 Plaintiff,

8 v.

9 CAROLYN W. COLVIN. Commissioner of
10 Social Security,

11 Defendant.

Case No. 3:12-cv-06080-KLS

ORDER DENYING PLAINTIFF'S CR
59(e) MOTION

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13 This matter comes before the Court on plaintiff's filing of her motion for a new trial
14 pursuant to Federal Rule of Civil Procedure ("Fed. R. Civ. P.") 59(e), arguing this Court made an
15 error of law in affirming defendant's decision to deny benefits. See ECF #19. For the reasons set
16 forth below, however, that motion hereby is DENIED.

17 "There are four grounds upon which a Rule 59(e) motion may be granted: 1) the motion
18 is 'necessary to correct manifest errors of law or fact upon which the judgment is based;' 2) the
19 moving party presents 'newly discovered or previously unavailable evidence;' 3) the motion is
20 necessary to 'prevent manifest injustice;' or 4) there is an 'intervening change in controlling
21 law.'" Turner v. Burlington Northern Santa Fe R. Co., 338 F.3d 1058, 1063 (9th Cir. 2003)
22 (quoting McDowell v. Calderon, 197 F.3d 1253, 1254 n. 1 (9th Cir.1999)). "A district court has
23 considerable discretion when considering a motion to amend a judgment under" Fed. R. Civ. P.
24 59(e). Id.
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Plaintiff has not argued or shown that there is any "newly discovered or previously
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1 unavailable evidence,” that her motion is necessary to “prevent manifest injustice” or that there
2 has been an “intervening change in controlling law.” In addition, while plaintiff argues the Court
3 made an error of law in affirming defendant’s decision to deny benefits, she essentially re-asserts
4 the arguments she made in her opening and reply briefs. Accordingly, the Court declines to find
5 any “manifest errors of law or fact” in its prior judgment that requires correcting.
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7 DATED this 31st day of January, 2014.
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11 Karen L. Strombom
12 United States Magistrate Judge
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